

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ALAN GOLDMAN,

Plaintiff

v.

MCCONNELL VALDES, LLC;  
ANTONIO A. ARIAS-LARCADA, his wife  
MRS. ARIAS, and the Conjugal Partnership  
composed by them;  
JOSE IRIZARRY-CASTRO;  
JOHN DOE; MARY DOE  
UNKNOWN INSURANCE COMPANY;

Defendants

CIVIL NO.: 24cv01136(SCC)

**INFORMATIVE MOTION**

**TO THE HONORABLE COURT:**

**NOW APPEAR** co-defendants Antonio Arias Larcada, his wife Maria Beale, and the Conjugal Partnership constituted between them, and McConnell Valdés, LLC., through their undersigned counsel, and very respectfully state and pray as follows:

1. On April 30, 2025, pursuant to Fed.R.,Civ.P. 35, Magistrate Judge Marshall D. Morgan ordered plaintiff Alan Goldman to “appear for the court-ordered physical and mental examination to be conducted by Dr. Franceschini in Puerto Rico during the month of May 2005, on a date and time to be coordinated by the parties and Dr. Franceschini, but no later than May 31, 2025.” (Dkt. No. 130). Given the plaintiff’s prior disregard for the Court’s clear and unambiguous orders, the Magistrate Judge cautioned him that “[f]ailure to

appear as directed may result in the imposition of sanctions, including but not limited to dismissal of the complaint...” Id.

2. After the plaintiff’s counsel ignored the undersigned’s attempts to coordinate a date for such examination, on May 5, 2025, the appearing defendants noticed it for May 21<sup>st</sup> and 23<sup>rd</sup>, 2025. See, Dkt. 132.
3. In response, on May 7, 2025, the plaintiff Alan Goldman filed a “Motion to Set Aside Magistrate Judge’s Order” (Dkt. No. 133), wherein he asked the Court to:
  - “ • Defer the enforcement of the Order pending resolution of Plaintiff’s Motion to Change Venue, Motion for Leave to Amend, and outstanding discovery motions against Defendants;
  - Set aside or modify the Magistrate Judge Order entered on April 30, 2025 to allow the Fed.R.Civ.P.35 examination to be performed and the video deposition to be taken via zoom.
  - In the alternative, to extend the available time until July 31<sup>st</sup> , 2025, and more specifically: (a) June 16–20, 2025, or (b) June 23–27, 2025;
  - Alternatively, set this matter for a limited evidentiary hearing to allow presentation of further medical evidence; and
4. Plaintiff filed an Amended Motion on May 9, 2025, seeking essentially the same relief.
5. On May 12, 2025, the appearing defendants filed their Response to Plaintiff’s motions to set aside the Magistrate Judge’s Order (Dkt. No. 136).
6. As of yesterday, the Court had not ruled on the Plaintiff’s motions.
7. The plaintiff failed to appear at the offices of Dr. José A. Franceschini on May 21<sup>st</sup>, 2025, for the Rule 35 examination, as had been ordered by the Court, and also failed to appear for his deposition scheduled for today.

**WHEREFORE**, it is respectfully requested that the Honorable Court take note of the above.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 22<sup>nd</sup> of May, 2025.

**I HEREBY CERTIFY** that on this 22<sup>nd</sup> day of May, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

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